



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 28, 1998

Ms. Deesha K. Brown
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
Municipal Building
Dallas, Texas 75201

OR98-3252

Dear Ms. Brown:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121262.

The City of Dallas Police Department (the "department") received a request for information relating to offense report number 0628265-F and seven categories of information concerning 5550 Harvest Hill Road. You only seek to withhold the offense report and the originating addresses and telephone numbers of 911 calls from police call sheets under section 552.101 of the Government Code. We assume that you have released the remaining requested information to the requestor. You have provided for our review the information at issue.

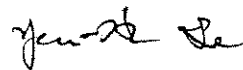
The requested offense report involves an offense of attempted aggravated sexual assault. Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Under section 552.101, information may be withheld on the basis of common-law privacy. The doctrine of common-law privacy protects information if it is highly intimate or embarrassing such that its release would be highly objectionable to a reasonable person and the public has no legitimate interest in it. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). A detailed description of an incident of aggravated sexual abuse raises an issue of common-law privacy. *See* Open Records Decision Nos. 260 (1980), 237 (1980). In Open Records Decision No. 339 (1982), we concluded that a sexual assault victim has a common-law privacy interest which prevents disclosure of information that would identify the victim. *See also Morales v. Ellen*, 840 S.W.2d 519 (Tex. App.--El Paso 1992, writ denied) (identity of witnesses to and victims of sexual

harassment was highly intimate or embarrassing information and public did not have legitimate interest in such information). Thus, we have marked the victim's identifying information that you must withhold. The remaining information in the offense report is not protected by common-law privacy and must be released.

As for the 911 call sheets, Open Records Letter No. 98-2551 (1998) answers your question concerning originating telephone numbers and addresses on 911 call sheets. You may rely upon that prior ruling as a previous determination on this issue under section 552.301 of the Government Code and thus need not ask this office again for a decision concerning these types of records.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you questions about this ruling, please contact our office.

Yours very truly,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/nc

Ref: ID# 121262

Enclosures: Marked documents

cc: Ms. Robin Roy
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(w/o enclosures)